

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner, with the approval of the Building Code Advisory Council, hereby amends Chapter 322, “State Building Code—Manufactured Housing Support and Anchorage Systems,” Iowa Administrative Code.

Responsibility for establishing standards for the installation of manufactured housing in Iowa is assigned to the Building Code Commissioner. These standards are adopted as part of the State Building Code, with the approval of the Building Code Advisory Council. Rules establishing these standards were recently reorganized into new Chapter 322 of the administrative rules for the Department of Public Safety. This new chapter was adopted through emergency procedures and became effective July 1, 2008.

Recent widespread disasters in Iowa have created substantial demand for immediate availability of manufactured housing in the state. In order to facilitate rapid availability of housing, the rule adopted herein allows for temporary occupancy of manufactured housing in the absence of compliance with all of the normal requirements for installation. These units would be for temporary use only, unless reinstalled in compliance with all of the standards which normally apply to such installations.

Pursuant to Iowa Code section 17A.4(2), the Building Code Commissioner finds that notice and public participation prior to the adoption of this amendment are impracticable. There is an immediate need for additional manufactured housing to be available in Iowa to address housing needs stemming from widespread disasters, and this rule will allow for that housing to be available in a timely fashion.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and this amendment be made effective July 1, 2008, after filing with the Administrative Rules Coordinator. This amendment confers a benefit upon the public by enabling additional manufactured housing to be installed in Iowa to address needs for housing stemming from widespread disasters.

This amendment is also being proposed in a Notice of Intended Action, published herein as **ARC 6969B**, to allow for public comment.

This amendment is intended to implement Iowa Code section 103A.9.

This amendment became effective July 1, 2008.

The following amendment is adopted.

Adopt the following new rule 661—322.12(103A):

661—322.12(103A) Suspension of installation requirements in proclaimed disaster emergencies. The commissioner may suspend any requirement established in this chapter or 661—Chapter 16 for the installation of manufactured homes, provided that all of the following apply:

1. The installation is within an area that is currently subject to a disaster emergency proclamation issued by the governor.

2. The commissioner finds that suspension of the requirement or requirements presents no imminent threat to the health or safety of any individual and specifically of any person who may occupy a manufactured home installed while the suspension is in effect.

3. Any manufactured home whose installation is subject to a suspension of any requirement shall be occupied only for the duration of the disaster emergency proclamation and for no more than 180 days after the expiration of the proclamation, or for a shorter time specified by the commissioner,

unless the home has been installed or reinstalled in compliance with all requirements of this chapter and 661—Chapter 16 prior to the expiration of the period specified for suspension of the requirements.

[Filed Emergency 6/25/08, effective 7/1/08]

[Published 7/16/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/16/08.